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A LETTER
TO
THE RIGHT HONOURABLE
LORD CALTHORPE,

ON THE CORRUPTIONS AND ABUSES

OF THE

GENERAL HOSPITAL,

AND THE

Free Grammar School of King Edward the Sixth,

AT BIRMINGHAM.

BY

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*Extract from a Letter of Thomas Gutteridge, to James Taylor, Esq.
August 26, 1843.*

“ Had I consulted the repose of my feelings, and preferred peace to duty,
“ I should not have taken the course I have done ; but, in the experience of
“ hardship and injustice, should have retired with a sigh, and kept silent even
“ from complaint. I am impelled, however, by considerations of another kind :
“ I have interests and a character to protect which require, in the present instance
“ at least, unflinching exertions in the resistance to oppression, and untiring
“ efforts in the detection and exposure of wrong. I shall not shrink from the
“ task, however distressing to me it be : I shall not falter : I shall never cease
“ from remonstrance and opposition while that evil exists from which I have so
“ much suffered. Committed, as I am, to the strife, I will never withdraw till
“ the heartless tyranny I have had to encounter is vanquished—till the foul
“ system I have dragged to day suffers the just penalty of public execration.
“ My resolution is immutably fixed—now that the occasion has come—to defend
“ to the utmost, my personal rights and the independence of the medical pro-
“ fession against the reckless and shameless outrage of them by piratical invaders.
“ —Undeterred by any thought of the disproportion between myself and the
“ numbers and position of my opponents, and assured of the resistless force of
“ truth and time, I feel that constancy is all that is needed to give success even
“ to a solitary individual contending with a host, and finally securing him the
“ victory in battling with corruption though entrenched in power. *Medical*
“ *rights free from extra-professional encroachments,* is the cause I assert : under
“ every disadvantage that artifice, or calumny, or spite, can interpose, will I
“ persevere in its maintenance. *Promotion by merit and not through lucre* is the
“ maxim I have espoused, and *the upright distribution of honours to the worthy,*
“ the principle by which I will stand or fall.”



TO THE
RIGHT HONOURABLE LORD CALTHORPE,

PRESIDENT OF THE GENERAL HOSPITAL.

MY LORD,

It is within a few weeks of being *three years* since I first began to solicit the attention of the Governors of the General Hospital, to various corruptions and abuses in the Management, and especially in the appointment of the Medical Officers. All this while I have endeavoured, through representations to parties occupying places of trust and influence,—by reference to the statutes and customs of the Hospital,—by the minutest and, for the most part, accurate detail of facts,—by appeals to their sense of duty to the Hospital, and respect for their own personal honour,—to engage them, and through them the governors at large, to institute a full and fair Enquiry;—*but hitherto in vain.*

Every attempt on my part to gain the attention of the governors assembled at the Managing Board, whether at the weekly, quarterly, or annual meetings, has been met by unworthy evasion, or contemptuous disregard; or else the appeals to them, whether by letter or in person, have obtained for me, sometimes denial without enquiry, and often gross personal insult. The uselessness of endeavouring to arouse the governors so assembled, to a proper sense of their obligations, and the necessity that existed, on various grounds, for prosecuting the search into the momentous evils that beset the Hospital, led me at length to invite the Inhabitants of Birmingham and the surrounding district, to meet together for the purpose of taking measures of a suitable character to promote the much-needed investigation.

The inhabitants of this town and neighbourhood responded to the call, and, on the 12th. of August last, assembled at the Town Hall in

such numbers as to evince the interest generally felt by the people of Birmingham in the welfare of their most valued public charity ; and they agreed, with an unanimity never perhaps equalled in so large an assembly, to adopt, after hearing a statement of the principal facts, supported by the most conclusive documentary evidence, a suggestion of mine, that they should, in a manner at once respectful and firm, require the Governors themselves to institute a thorough investigation of the alleged abuses. (*See NOTE A.*)

This most reasonable and moderate request, concurred in, heartily, by five thousand persons of as great respectability as ever were assembled in the Town Hall, was conveyed by the Chairman of the meeting to the Weekly Board of the Hospital, on the 22nd. of August. The reception that most important public communication met with at the Board, was in perfect conformity with that given to my own applications and those of others of a similar nature,—*it was treated with disdain, and its authors with insult.* It was not even received so far as to give the Resolution a place in the minutes of the day ;—while the meeting from which it emanated, was stigmatized by two individuals—*Richard Tapper Cadbury and John Cadbury*—who had been conspicuous either as participating in, or else skreening by denial, the abuses complained of—as a meeting drawn together by the “*love of disgusting language,*”—and as “*the most disreputable meeting ever witnessed.*”

The Resolution of the Public Meeting of the Inhabitants of Birmingham and the neighbourhood, thus scouted by the Governors at their Weekly Board, was forwarded by the Chairman of the Public Meeting, on the 16th. of September, to your Lordship, as being the President of the General Hospital for the current year, in the expectation that you would lay it officially before the Governors assembled at the Annual Board on the 19th. of September, with a view of course to the subject being entertained, and the request complied with. The very few days that elapsed between the forwarding of the Resolution to your Lordship, and the day of the Anniversary, coupled with your being at a distance or not readily accessible by the post, may account satisfactorily for no communication having been received from you, (as I ascertained by enquiry at the Board,) on the anniversary day. It is therefore left open to your Lordship to deal properly with the matter on that day to which the Annual Meeting stands adjourned—the 19th. of December ; or else on a future day when a general

Meeting may be convened for the special purpose, that the Governors at large may have the opportunity of assembling to promote measures which the public generally and the friends of the Hospital in particular declare to be indispensable to its continued existence in credit and usefulness.

My Lord, the time is come when the examination of the abuses, and the correction of them, can be no longer safely deferred. The General Hospital is not the only great charity connected with this town which the misconduct of the individuals I have complained of has placed in jeopardy : the Free Grammar School of King Edward the Sixth is likewise imperilled through malversation which has long been permitted by the same parties in that institution also. Your Lordship being intimately connected with this town not only as a patron of many of its charities, but also as its largest landed proprietor, I feel there is a peculiar propriety in addressing you on the subject of this great and growing evil ; and especially so in reference to this particular emergency, as you now fill the high office of President of the General Hospital.

In the Hospital the medical officers have been chosen under a system which effectually excludes able men, and admits persons in various respects most unworthy : and this system has been productive of pecuniary gain, or other substantial advantage, to certain members of the legal profession—governors of the institution, who have always broken the law to attain their object : it has been fruitful also of injury to deserving medical men, as well as of fatal mischief to the poor, and great damage to the Hospital's character and interests. This nefarious system, impugned as it has been by several parties on divers occasions, and for three years continuously and incessantly by myself, and further demonstrated by the clearest proof to exist, has yet been maintained on the part of some with an obstinacy which deserves to be called infatuation, and on the part of others by means of *audacious fraud and desperate lying*. The certain issue of persisting in this evil course will be the destruction of the Hospital ; for, dependent for its support mainly upon the free gifts of the public, it will be deserted by every truly charitable contributor, and left to its fate by every person honourable enough to discountenance the perversion of its benevolent design, and the defeat of the Founders' intentions by means at once *depraved and impudent*.

It is unnecessary to repeat what I have often, and with such fulness of detail, stated in reference to the acts and the agents in this

venal system ; it will suffice to be explicit with respect to a few of the leading measures and parties, and to comment on them briefly in passing.

In 1835 *George Whateley*, an attorney, procured the appointment of Physician for a friend and client of his who was not *legally* qualified to practise medicine ; thereby excluding unlawfully an experienced Physician who was a candidate, and who had long resided in the town :—for this the attorney received *the sum of one hundred pounds*.

In 1840 *George Whateley*, the same attorney, procured the appointment of Physician for a renegade clergyman of the Church of England, so ignorant that he could not write a formal thesis, but employed; upon the recommendation of the Head Master of King Edward's School, one of the school boys to write it for him, and to whom he gave *five guineas** for his pains : for this appointment, whereby a regularly bred Physician was excluded, "*a handsome present*" was given to the confidential clerk of the attorney, when the business (which was done with exceeding subtlety) was concluded ;—when, as the lucky candidate expressed it, "*the trick had been done cleverly.*"

In 1843 *John Welchman Whateley*, an attorney, the brother and partner of the before mentioned *George Whateley*, procured the appointment of Surgeon for a client of his, and obtained his admission to the Hospital at a time when there was no vacancy in that office, and when he was perfectly well assured that it was unlawful to attempt any election proceeding. *Four hundred pounds were lodged for the purposes of this candidate's election.*

In 1844, at the annual meeting, in reply to a personal application by myself for a thorough investigation of the above-stated and many other charges, *James Prince Lee*, a clergyman and schoolmaster, withstood the application, saying that he was "*prepared to resist all enquiry,*" and that "*there should be no enquiry ;*"—yet vaunting his ability to "*refute WHATEVER charges MIGHT be brought forward,*"—actually adducing statements grossly false,—exhibiting in his demeanour the coarse and vulgar brow-beating of a low bred Old Bailey pleader,—and afterwards falsifying the report of the proceedings he was entrusted to prepare for publication.

In November 1844, the before-mentioned *George Whateley*, in language the most virulent and abusive, charged me falsely with

* The Reverend Gentleman himself declares it was only "*three guineas.*"

stealing, and with uttering untruths ; he having long previously known that he had acted in violation of the laws of the Hospital, and having uttered a gross and deliberate falsehood in denying that his brother was cognizant of the Attorney General's Opinion as to the total illegality of the election proceedings.

In November 1844, *Thomas Eyre Lee*, an attorney,—whose turn it is next “to do the trick cleverly” for a client of his, and who had rendered himself notorious by offences which he was mercifully allowed to atone for by *receiving, on his bended knees at the bar of the House of Commons, a reprimand*, instead of committal to Newgate and the consequences of conviction—insulted me at the Board by moving that I, whom he designated “*that person*,” had rendered myself “*unworthy of confidence or credit*.” (B.)

In November 1844, on the same day, *James Taylor*, the treasurer of the Hospital, seconded the motion of Thomas Eyre Lee, above referred to, impeaching my veracity ; he knowing perfectly well at that time, as indeed he had done from the first, that the part he had himself taken in the election proceeding was wholly unlawful, and that the statements I had made were, with trivial exceptions, perfectly well-founded. This most scandalous resolution was printed in no less than thirteen different newspapers, and the Hospital funds were squandered for this, as they had been several times before for similar purposes.

My Lord, these are a few of the flagrant acts of injustice which have been committed by the parties above named, in their official connection with the Hospital. To estimate aright the importance of this misconduct, and show, in the clearest light, the necessity for promptly counteracting such gross violation of the great principles of justice and charity, I must briefly state certain acts of malversation, by the same individuals, in *King Edward's School*—an institution equally precious, though in a different way, to the inhabitants of Birmingham.

In the school, the Secretary, *John Welchman Whateley*, has not only evinced an insatiable greediness of gain by claiming, and generally receiving, in addition to an annual stipend disproportionately large, enormous sums for acting professionally as the legal adviser and attorney, but he has abused his trust by unlawfully retaining for a long time, to his own use, money the property of the charity. He has further used his opportunities of knowledge, detrimentally to

the interests of the school, by being privy to the making out of a lease of one of the charity estates to James Taylor, one of the governors, on terms highly advantageous to him as lessee, and proportionately unfavourable to the school, whose interests they were bound, both of them—one as the solicitor and the other as a trustee—carefully to preserve and faithfully to protect.

It was discovered, in 1828, by the Parliamentary Commissioners for enquiring concerning charities in England for the education of the Poor, that *John Welchman Whateley* had improperly retained, since 1821, a sum of two hundred and four pounds received by him from one of the trust estates, which sum he ought to have paid, without delay, to the Governors of the School. The Commissioners, while they commented with just severity on this improper retention, *intimated their opinion on the matter*, so as to compel the payment of the money, together with interest on the same. On this transaction I must observe that, had the Commissioners been of another character,—had they been the Assize Commissioners of *Oyer and Terminer*, and had this matter been officially brought before *them*, John Welchman Whateley might, as in the case of any other clerk withholding monies from his employers, have been deemed guilty of embezzlement and punished accordingly. (C.)

John Welchman Whateley, knowing perfectly well the greatly increased value of one of the Trust Estates, Henn's Farm at Bordesley, made out, it is presumed, a new lease of the same to James Taylor, in the place of one which had been purposely and artfully made void several years before the due determination of the then current period, for the express purpose of securing to the lessee a large sum of money, (*one thousand seven hundred pounds it proved to be*) to be paid by the Gloucester Railway Company, of which John Welchman Whateley was the Solicitor, as compensation for the lessee's newly-acquired 21 years' interest in the land required for the Company's passage way over the estate. This transaction, like the former, was highly irregular and illegal: it is forbidden by the Statute Law of the Land to any *Trustee* to have a beneficiary interest in an estate confided to his keeping. Yet here is an instance of flagrant violation of the law, attended with circumstances remote and near, appearing to constitute as gross a case of collusion as ever was brought to light. On the one hand the professional adviser and trusted agent of the school, favours one of the Governors of the school

by concealing the true value of the estate, and making the covenants as to renewal fine, and annual rent, very considerably below the actual value ; on the other, the Governor of the School thus favoured, James Taylor, reciprocates the service to John Welchman Whateley, by aiding him in another charity—the General Hospital—in procuring one of his clients to be elected a Surgeon, *contrary to all law*, and so securing to him a large pecuniary gain or other substantial advantage. And afterwards when complaints and remonstrances of the violence and illegality of the proceeding are brought forward at the Hospital Board, James Taylor, perfectly well aware of the utter unlawfulness of all that had been done, nevertheless defends John Welchman Whateley by denying the charges brought against him, and declaring them “utterly unfounded” and “altogether unjustifiable.” This unlawful and corrupt conduct is about to be visited upon the parties as it deserves. After long and almost inexplicable causes of delay proceedings are being taken in the Court of Chancery for the recovery of the monies, proceeds, and profits thus unjustly obtained ; while in the case of the Hospital the public have declared, as unequivocally as could be, their *wish*, (as it is their *right* whatever may be said to the contrary,) that the unlawful and corrupt election proceedings shall be thoroughly investigated and justice done to the injured parties.

It deepens, in no slight degree, the unfavourable character of the Henn’s Farm transaction, that the proceeds being divisible by the Will of the donor, so as to give an equal share to King Edward’s School in Birmingham, to a public school at Haverfordwest, and to Brazenose College at Oxford, the two latter parties have but imperfect means of watching the property in which they thus have an interest ; and that it hence devolves practically upon the Governors of the School in this town, to manage the estate for their joint benefit. The maladministration of its affairs, is, in a peculiar degree, discreditable to us ; for Oxford and Haverfordwest were entitled to expect from Birmingham, that it would diligently guard the interests of the estate they possessed in common, and effectually and speedily rectify any error that time or negligence might have caused in carrying out the objects of the trust. Yet here we find Birmingham abusing the facilities her position close to the trust estate gives her, by allowing one of her Governors—for no assignable reason but that he is a rich man, and one whose pleasure may not be disputed—to

possess himself of pecuniary advantages which every principle of law and equity forbids him to touch in ever so small a degree. But this is not all ; a portion of the estate left by the benefactor Henn, has been altogether lost ; no trace can now be found of a house, formerly occupied as an Inn, which formed part of the trust estate. Through negligence, especially of the Birmingham trustees, (the governors of the School,) it is—whatever its value—nowhere to be found. The strong arm of the law may be invoked, and invoked with success, to regain from James Taylor that of which he has improperly possessed himself ; but no power that our jurisprudence knows, can supply the deficiency of that vigilance and precaution which ought to have been used, but which has been neglected, for the safe keeping of the lost property.

My Lord, the effects of that wanton outrage of the law to which an all but absolute impunity has hitherto been given, has been apparent in the two institutions I have brought under your notice, insomuch that the evil has risen to a pitch which demands immediate abatement as the only alternative of the destruction of both. In the Hospital the management has become vested for all practical purposes in a select few who have perverted the charity to purposes directly contributive to their own personal profit and advantage ; while every one who ventured to point out abuses with a view to their correction, has been thwarted in the laudable endeavour and treated with contumely and insult. An instance of this, which occurred a few years ago, made a strong impression on the public mind. A benevolent individual, (*Mr. John Homer,*) highly esteemed by his fellow townsmen, applied himself to a toilsome enquiry into the cost and consumption of the various articles of domestic use ; and, as a result of his labours, pointed out by irrefragable arguments, how a *saving of from a thousand to fifteen hundred pounds a year* might be effected without diminishing the efficiency of the establishment. The reward of his valuable labours was the very opposite of his deserts : he was superseded in the committee of management : while the benefit of his co-operation was spurned, so that he was obliged, however reluctantly, to withdraw his aid from an institution of which he was one of the oldest living supporters, and throw the advantage of his experience and devotedness into another and different channel.

A very exceptionable matter in regard to the recompence of persons who had served the institution in their professional capacity occurred

this year, and which I bring before your Lordship's notice not only to mark the anomaly of the proceeding, but also to exhibit the contrast it presents to the treatment shewn towards the members of the Medical Profession. Early in the present year the late *George Barker* received a costly testimonial of respect and gratitude from a number of persons who deemed his public services entitled to a public acknowledgment : and this testimonial had special reference to his services to the Hospital. In the month of June last, *Richard Tapper Cadbury* produced at the Hospital Board a bill of charges for law business done by Barker and Son, amounting to *three hundred pounds* : and he pressed the instantaneous payment of it, alleging untruly that, considering the period of time (23 years) over which it extended, it *must* consist of monies paid out of pocket on the Hospital account ; and stating further that the auditors “ *had seen it.*” On this being questioned it was referred to the auditors for examination, when they reported that the whole of the disbursements did not exceed sixty-five pounds. The remaining four-fifths of the charges were six-and-eightpences and three-and-sixpences for various professional services. The bill was ordered to be paid, but at a moment when the treasury was empty ;—for a fortnight before but fifty-two pounds were in hand to meet the current expences of an institution whose expenditure was seven thousand a year ;—when the other resources consisted of only a very few arrears of subscriptions, and—*an expected legacy ! !*

My Lord, there is not an instance to be found since the Hospital was first instituted, of *payment* for the professional services of the Physicians or the Surgeons ; nor, during their life time, or after their death, of any reward or mark of honour to them at the expense of the Hospital, however lengthened their term of service, or meritorious they might have been. Yet here we find an attorney, always believed till then to give his professional assistance to the Hospital gratuitously, not only rewarded with unexampled liberality (upon the suggestion of a person whom he had been mainly instrumental in getting into the Hospital as a Surgeon, contrary to the laws, and to whom “ *the thought first occurred*” that a public acknowledgement was due,) but *paid* a twenty-three years' string of fees, which, taken with the gift he had received, rendered his recompense for services to the Charity *thirteen and four-pence on an average, every weekly board day the year round, for a quarter of a century ! ! !*

In the School prodigality of expenditure has been most conspicuously flagrant. With estates of yearly increasing value the Charity is nevertheless over-burdened with debt ; and, through heedlessness or recklessness, is in prospect of increased liabilities. The law bills alone, for ten years, exceeded the enormous sum of TEN THOUSAND POUNDS,—an amount which may be speedily doubled if the present proceedings in Chancery are to be conducted on the scale of expense which has marked past proceedings, or if opposition to the wishes of the inhabitants of Birmingham is to be paid for and compromised at the rate of *seven hundred and fifty pounds* for each occasion, as was the case in 1832. If, however, the litigating parties in the Chancery suit now pending, be only “rich and obstinate” enough, that alone will be sufficient to form a climax ; for it needs but another ten thousand pounds to render the mountain load of debt under which the Charity groans, a round HUNDRED THOUSAND !

But dissipation of its pecuniary means is not the only evil that results from this engrossment of the management by a few individuals banded by private interest : the officers of whatsoever kind or degree may become detrimental to the character and interests of the institution. The present Head Master, *James Prince Lee*, was elected under circumstances which shew that in the School no more than in the Hospital are merit and honourable bearing respected. In selecting a Master it was properly ordered by the Governors that candidates should forward testimonials of qualification, and that *canvassing* should not be permitted. *James Prince Lee* violated this rule ; he *did* canvas, and thereby obtained,—much to the disgrace of those Governors who countenanced him,—a number of votes sufficient to ensure his election—a *majority of one* over his competitor, a gentleman at once his superior in scholastic attainments in the opinion of the best judges, and far too honourable to seek by forbidden means the post to which his less scrupulous rival thus unjustly attained. But besides the loss of a gentleman and a scholar as the Principal of our great public Educational Establishment, the charity and the town had entailed upon them in the individual elected a person possessed of qualities which could not have been too sedulously avoided. He not only brought with him the reputation of a restless and implacable disturber of the peace of every institution with which he connected himself ; but he disclosed qualities so odious as to render him an itinerant pest—an universal torment. He eagerly sought to connect

himself with every public establishment here whether of charity, literature, or science; and almost everywhere, by exhibiting a most officious, insolent, and domineering behaviour, and an intriguing and ill-natured* disposition which dishonoured his character as a clergyman, he insulted and disgusted the most respectable and respected supporters of our public institutions; and further pursued with spite and bitterness many, *even in the persons of their children*, who dared to act with independence and spirit so far as to resist his intrusive and offensive advances. His faults however have been far from being confined to misbehaviour and disagreeable bearing; he has shewn himself on several occasions in a state of intoxication greatly to the disgust of those who witnessed an exhibition so scandalous to his clerical character. Being requested on a certain Sunday evening to visit a youth supposed to be dying at the Blue Coat School (one of the institutions in which he had rendered himself peculiarly obnoxious by his outrageous bearing,) he came in a state of inebriety so gross as to make it incumbent on the Head-master to report the fact next morning to several members of the committee who visited the school. On another occasion he attempted when similarly discomposed to perform Divine Service in one of our churches; and he acquitted himself in such a manner as to excite the sorrow of some, the indignation of others, and the surprize of all, who witnessed the melancholy spectacle.

My Lord, I say it most unfeignedly, it is with the deepest sorrow I feel myself obliged to proclaim this unhappy man's faults. If it were not in defence of that which alone makes life worth possessing—*an unsullied reputation*, I would not expose *James Prince Lee*, to open shame. He has, however, attacked me, without the smallest provocation on my part, in such a manner as to make it a duty I owe to my very existence, and to the public at large, publicly to challenge comparison of characters with one who, though a Clergyman, has repeatedly *given me the lie*, and publicly demeaned himself towards me in such a manner as to compel me to denounce him most emphatically to his face, for conduct which I designated, as I deemed it—DIABOLICAL.

The misconduct of this individual is exerting a most pernicious influence on the school, and on the whole state of society in this town.

* His avowed maxim is—"If a man cross my path I'll CRUSH him."

His cruel treatment of one of the under-masters, a most amiable person and efficient officer, who had exerted himself,—not in the most judicious way perhaps, but still with the most unquestioned sincerity,—to improve the school in the scheme of its instruction, and the adjustment somewhat equitably of the stipends of the masters, is well known. (D.) As his superior, *James Prince Lee* ought to have been his protector ; as his senior, he ought to have been his counsellor ; as a brother clergyman he ought to have been his comforter and friend. Instead of these he was his accuser, his persecutor, his oppressor : not even tears of sorrow could move him : he saw the iron enter into his soul, but he had no pity, he would not spare. The result of this heartless and unrelenting treatment of an innocent and friendless man, was a determination pretty generally throughout the University of Oxford, of which the victim was a member and an ornament, to forbear to enter into any competition for a mastership under such a ruthless chief. But merciless as was his treatment of his own subordinate, and barbarous as was the giving him up a sacrifice to *John Welchman Whateley*, it falls far short of that which he attempted against the Head Master of the Blue Coat Charity School, in this town, an institution totally distinct from King Edward's School. With unheard-of indecency, he attempted to controul the Head Master in matters relating to his own proper authority ; and he exerted himself against him in order to accomplish his ruin in character and fortune, for no assignable reason but that his drunkenness had been witnessed by him. It would seem that he contemplated his expulsion, and that when it should have been accomplished, that the statements respecting his intemperance would be deemed the spiteful calumnies of a discarded servant. Happily for truth's sake, this annihilation of the fact was impossible, for the Head Master had duly reported the fact, as he was bound to do as early as possible, to the first members of the Committee he met with ; and there existed abundance of other evidence of his being in the disgraceful condition referred to.

My Lord, these facts show clearly the necessity for an investigation of the corruptions and abuses both of the General Hospital and of King Edward's School. The welfare of our public institutions and the peace of society demand inquiry into, and correction of, these flagrant wrong doings. With a patience that is in some danger of being mistaken for indifference the inhabitants of this town have confined themselves, for the most part, rather to murmurs of dissatisfac-

tion than taken to open and active opposition. After the disclosure of facts I have now made, inactivity will give place to exertion. The Inhabitants of this Town, for the advantage of whose youthful poor King Edward the Sixth endowed the School as a Seminary of Classical Learning, will not allow its trust estates to be devoured by rapacious and unprincipled attorneys ; or plundered by Governors, whose first duty it is to keep the property entire, and apply the proceeds to the rightful objects of the Charity. The Inhabitants of Birmingham will demand the *dismissal* of *John Welchman Whately* from the secretaryship and the solicitorship, on the ground both of misconduct and of unconscionably large remuneration for his services. The Inhabitants of Birmingham will demand the *surrender* and *restitution* of every shilling *James Taylor* has derived from the trust estates since he has been a governor ; and they will expect that he will withdraw from a post which he has shown himself unworthy to occupy. The inhabitants of Birmingham will require the *dismissal* of *James Prince Lee* from the office of Head Master, which he obtained by a violation of the law ;—and they will require, as his successor, a person who shall not industriously render himself a curse by his offensive bearing and actions ; and through the natural and necessary revolt of human feeling which such conduct excites, cause people to hate the Church of which such a being is a minister. The Inhabitants of Birmingham will demand all these, and more, at the hands of the present governors ; or else they will assemble, combine, and unite to vindicate their just rights, and to recompense, according to their deserts, those who have infringed these rights, by *applying at once to Parliament for the necessary powers to place the management of this great public Charity in honester and abler hands.*

My Lord, it has been pretended that the Public have no right to interfere with the Hospital, or to demand of the Governors that they should make such an investigation as has been called for. This position is so erroneous, and withal so mischievous, as to make it necessary for me effectually to dissipate the false notion. The Hospital was founded for the relief of the *sick and lame poor*, not for the relief of the *rich*. It was designed mainly and principally for *combining all the resources and appliances of Medicine* for the treatment of the severest accidents and worst diseases. It was never intended to be a receptacle to relieve even the *poor* merely with *board and lodging* : but it was *primarily and essentially* meant for the *dispensation to the sick and the lame, of*

the HIGHEST MEDICAL AND SURGICAL AID *which, from distance and from indigence, they could not possibly have at their own homes.* The Hospital does not relieve *parishes* by receiving patients recommended by them, except on condition that they pay *three guineas* each—the full cost of the maintenance of one person for two months : whereas in the case of all other parties recommending patients, only *half* the actual cost of the mere *board and lodging* of the patient is required. The sources whence the means are derived for maintaining all classes of patients, except those sent by *parishes*—are free gifts to the charity, without condition or return, and annual contributions, in return for which the subscriber receives *twice as much as he pays.* (E.) The free gifts, viz. donations, legacies, and bequests, together with the profits of musical performances, make—after providing for the casualties that happen in the town and neighbourhood—a fund in aid of the subscriptions, so large as to constitute a *bonus of one hundred per cent.* upon the yearly contributions. In brief, the subscriber *gets back in the person of his nominee twice as much as he gives, besides medical care for nothing.* Hence it plainly appears that it is the *interest*, no less than the *duty*, of the subscribers, to have the legacies and other free gifts, and unconditional aid, as large as possible. An increase of subscribers, without a corresponding increase of free and unconditional means, actually impoverishes the charity, by making the free fund in aid of the subscribers' fund less in relative proportion :—a hundred new subscribers of two pounds each, added to the present six hundred two-pound subscribers, would diminish the free fund to be distributed among the patients sent by the whole seven hundred subscribers SEVENTEEN PER CENT. A most important assistance is rendered to the Hospital by the town of Birmingham, in the Hall, raised by tax upon the inhabitants to the amount of *forty thousand pounds*, by which the grandest concert room in Europe is provided for musical performances, the whole profits of which are given to the General Hospital. This fact alone, independent of the Hospital's being to all legal intents and practical purposes a *public* institution, would establish the right of the people of Birmingham to claim that the Hospital trusts be well administered. If the town should find that the Hospital is ill ordered, particularly as it has been in the election proceedings referred to, it will not continue to *this* Hospital the peculiar advantages it has, at so heavy a cost to itself, hitherto granted it ; but it will, if it sees abuses rife and corruption rampant, and its just claims to attention disregarded, withdraw the

aid now so generously rendered, and *transfer to another Hospital*, and perhaps yet *another*, those advantages which the General Hospital misemploys. Take away, then, the profits of musical performances in the Town Hall, and let the confidence of the public be so shaken as to cause the resource by free gifts and legacies to fail, (and several large legacies have been lately lost to the Hospital, in consequence of offence justly taken at the unlawful proceedings in the elections, besides that a NEW HOSPITAL has been built and supported in no small part by donations, legacies, and subscriptions, which, but for long-continued and seemingly incorrigible mismanagement, would have been devoted to this,) and the Hospital becomes dependent for its existence upon the subscribers alone,—upon the subscribers, whose contributions make up but *half* the cost of the Hospital establishment ;—dependent for its existence in the case supposed, upon *the subscribers one and all DOUBLING the amount of their present contributions, and yet having no commensurate increase of privileges*. The right of the people of Birmingham to interfere in the management of the Hospital, so far at least as to claim that it be administered for public good, is thus shown to rest not only on the general ground that it is a *public* institution, but also on the special ground that *the town is actually a very large contributor to the Hospital*.

My Lord, the statements on matters of fact contained in the foregoing pages are based on the best information it was in my power to obtain. There may be inaccuracies ; but of the *general* truth of the allegations I am firmly persuaded. The secrecy with which much of the business of the School is transacted, and the mystery in which some of its most important acts have been shrouded, rendered it difficult for me to give a more full and exact account of its affairs. In the Hospital, however, I have had opportunities of knowing what happened, and consequently am enabled to speak with a minuteness and a positiveness which is forbidden me in the case of the School. Collectively, the acts I have described form one of the strongest cases of abuse, malversation, and corruption, ever brought before the public in any establishments wherein the public were the party most deeply concerned. How often and earnestly I have called for enquiry, and for correction of them, and how frankly I have offered, on various occasions, to prove my charges, I need not now repeat. Nor need I reiterate the detail of the crafty or violent means that have been taken to silence me,—the false, the slanderous, the ruffianly

treatment I have had to endure from the parties charged with the offences,—or the cruel injuries that have been inflicted upon me to the outrage of every principle of justice and humanity by their minions, parasites, partizans, and supporters, in the vain hope of making me desist from my purpose. It is enough to say that preparations are matured for continuing the “*crushing*” system, lest it should be “*all up*” with the guilty individuals, and that there now exist in the minutes of the Hospital ready to be fulminated against me, *gross denunciations*, “*continued malevolence*,” and “*calumnious insinuations*” “whenever the Weekly Board may deem it fit” to publish them.

My Lord, the Inhabitants of Birmingham have already vindicated themselves from the charge of indifference to corruption in their Public Charities, by declaring in one of the largest and most respectable public meetings ever assembled, their CONVICTION OF THE NECESSITY OF ENQUIRING INTO THE CHARGES ; and they have—with a deference which the Governors of the Hospital ought to receive as an evidence that the public have not yet wholly withdrawn their confidence from them,—solicited in terms of the most earnest entreaty, *for the sake of their most cherished public charity*, that the Governors would *themselves* institute a “THOROUGH INVESTIGATION” of the charges. My Lord, if the Governors should be so unjust and so unwise as to refuse this public demand, the inevitable issue will be signal disgrace to themselves, as well as irretrievable difficulty to the Hospital ;—to *themselves* the loss of public respect for the absence of that knightly feeling which should prompt the nobility to be forward in delivering a misconducted charity from the hands of those who abuse and oppress it ; —to *themselves* the loss of public confidence in those magistrates who refuse to perform their bounden duty—to “execute justice and maintain truth ;”—to *themselves* the forfeiture of all trust by the laity in those clergymen who allow, without remonstrance, truth to be violated, charity to be perverted, peace to be broken, and the laws of the Church to be trampled upon and despised by continued allowance and impunity to one of their body who, though in PRIEST’S ORDERS, has forsaken the calling to which he dedicated himself “ALWAYS,” by *the most solemn vow that can bind man on earth*, IS USING HIMSELF AS A LAYMAN, (F.) and applying himself to secular pursuits and gains—an allowance and impunity which involves the Authority sanctioning it in the monstrous anomaly of claiming for himself as a BISHOP OF THE CHURCH OF ENGLAND and spiritual overseer of this

diocese that POWER OF DISPENSING FROM THE OBLIGATION OF AN OATH which PROTESTANT CHRISTENDOM DENIES TO THE BISHOP OF ROME ;—to *themselves* the loss of public consideration for those men of substance and station whose honour is the received guarantee for the upright discharge of public duties, and the guidance of charitable institutions to the fulfilment of their declared purposes, who show *apathy and indifference to notorious evils which it behoves them to amend* ;—to all the loud and universal reproach of want of honesty or of courage in those, whether of wealth and title or of moderate possessions and private stations, who *participate in the advantages of a public charity and yet refuse to maintain it in its integrity* ;—to the Governors, *each and every one*, who suffers abuses to continue without a decided personal effort to correct them, THE SHAME OF DISHONOURABLE COMPROMISE WITH CORRUPTION, AND LASTING DISGRACE FOR DESERTION OF A SACRED PUBLIC DUTY.

MY LORD,

I have the honour to be,

Your most humble Servant,

THOMAS GUTTERIDGE.

No. 6, Crescent, Birmingham,
December 18, 1845.

NOTES.

(A.)

It was resolved—there being only *two dissentients*, who were office clerks to J. W. and G. Whateley—that “ *this meeting is convinced that there is a necessity for enquiry into sundry grave charges that have been preferred of mismanagement of the General Hospital, especially in regard to the election of Medical Officers; and this meeting, deeply anxious for the continued prosperity of that valuable charity, do earnestly request the Governors to institute a thorough investigation of the same.*”

(B.)

The following Report of Proceedings in Parliament, taken from *Aris's Birmingham Gazette* of April 12 and May 24, 1830, is quoted to show the respect due to the censor, and the value of the censure contained in the motion of *Thomas Eyre Lee*, that “ *that person,*” meaning myself, was “ *unworthy of confidence or credit.*”

HOUSE OF COMMONS.

BIRMINGHAM AND LONDON JUNCTION CANAL.

The Report of the revived Committee on this bill was presented to the House of Commons on Monday, and ordered to be printed. The Minutes of Evidence were also laid before the house on Wednesday, and likewise ordered to be printed. The following is a copy of the Report :—

The Committee to whom the recommitted Petition of several Owners and Occupiers of Estates, (Votes per 205 Birmingham and London Junction Canal,) was referred, and to whom the Petitions of—1st, Thomas Wyatt—2nd, John Williams and others—3rd, Richard Patterson and others, complaining of their names having been inserted in the subscription list; and of, 4th, Thomas Biddle and others—5th, Martha Lea and others, complaining of their names having been entered into the lists as assenting and neuter, they being dissenting to the undertaking; and of, 6th, Trustees of the Road from Dunchurch to Stonebridge, complaining of the section, were referred, have, pursuant to the order of the house, examined and found—

That on the 19th. of February an estimate of the proposed expense of the undertaking, together with an account of the money subscribed, and the names of subscribers, with the sums by them subscribed respectively, was duly lodged in the Private Bill Office of this house.

That the estimate amounted to the sum of £453,928. 16s. 10d.

That the said subscription list represented the surnames of 232 persons to an aggregate sum of £394,700.

That on the 19th. of February a petition was duly presented for leave to bring in a bill, and that the said petition was referred to a Committee to report thereon.

That the said Committee sat on the 22nd. of February, when Thomas Eyre Lee, of Birmingham, the Solicitor to the intended bill, deposed before the said Committee, as recorded in the minutes of the Committee Clerk, “ that the said list, containing the names of the subscribers, and the sums subscribed by them, is correct.”

That the said Committee was adjourned on the 3rd. of March, when the said Thomas Eyre Lee, on the interrogation and caution of an Honourable Member, again deposed to the truth and correctness of the list.

That the Committee, on the 4th. of March, reported that the standing orders were complied with, and leave was given to bring in the bill.

That on the 8th. day of March a bill was brought in and read a first time, and ordered to be read a second time.

That on the 11th. day of March the said petitions of Thomas Wyatt, of John Williams and others, Richard Patterson and others, Thomas Biddle and others, and Martha Lea and others, were presented to the house, complaining

that the standing orders had not been complied with, that the subscription list was fallacious and not *bonâ fide*, and that the lists of owners and occupiers of lands on the line of the said projected undertaking, were erroneous as to assents, dissents, and neutrality.

That the said petitions were referred to this Committee specially revived.

That the Committee sat on the 15th. of March, and by adjournment on twelve subsequent days, viz. 16th, 17th, 18th, 19th, 22nd, 23rd, 25th, 26th, 29th, 30th, 31st, of March, and 2nd. of April.

That the Committee has heard the testimony of fifty-four witnesses, and received all the parole and documentary evidence of the petitioners and the agents of the bill, upon which they have determined—

1st.—That the standing orders have not been complied with.

2nd.—That a great part of the said subscription, has been proved to represent needy and indigent persons of inferior stations in life, deeply engaged in bubble companies and gambling transactions, and unable to pay the sum affixed to their respective names in the said list.

3rd.—That the remainder of the said subscription list, represents many persons of a doubtful character, and that all the stated subscribers produced before the Committee as witnesses, proved that they were entered in the said subscription list, and returned to parliament as subscribers, without their knowledge or consent.

4th.—That many of the said witnesses admitted their application by letter, for shares in the said undertaking to have been made in the months of October, November, December, 1829, and January, 1830, but proved that they had received no reply, paid no deposit, received no scrip, and had not been otherwise accepted or committed as subscribers.

5th.—That the name of H—— Griffiths, Samuel Stone, and John Bellingham, entered in the said subscription list as subscribers, representing the gross sum of £7000. are fictitious names; that such names were fictitiously used by Griffith Henry Todd, a person in indigent circumstances in the Rotunda, in the City of London, applying for shares, and set forth in the minutes of evidence, and the said Griffith Henry Todd signed the said three fictitious names of Griffith, Stone, and Bellingham, in addition to his own name, to the petition of John Williams and others, presented to the house on the 11th. of March, as the same names he had assumed in his four applications for shares.

6th.—That the names of Benjamin Alison and Noah Pratt, in the said subscription list, were used in letters applying for shares, but without their privity; that they had a subsequent knowledge of such application, but that they are persons wholly unable to provide the sums affixed to their names, or even to pay the first deposits thereon.

7th.—That the names of the petitioners, Richard Patterson and William Thompson, respectable and affluent members of the Stock Exchange, appear to the Committee to have been forged or fraudulently used in letters applying for shares, and that unquestionably no evidence has been tendered to the Committee except the letters entered upon the minutes to prove who the writers of those letters are—if they do not represent the names of the said Richard Paterson and William Thompson.

8th.—That the said subscription list has been culpably so deposited and attested by the said Thomas Eyre Lee, the solicitor to the said undertaking, under circumstances developed and recorded in the Minutes of Evidence.

9th.—That a gross violation of the privileges of the house, and of the spirit of its standing orders, has been committed.

INSTRUCTIONS TO THE CHAIRMAN.

10th.—That the Chairman be directed to move the House that the minutes of the proceedings, and the evidence taken before the Committee, be laid before the house, and that the said minutes and this report do lie upon the table, and be printed; and to move that the report be taken early into consideration, that the house may adopt such measures as it may deem meet to vindicate its violated

privileges and dignity, to protect the public from a repetition of similar fraudulent practices, and to devise an amendment of the standing orders.

* * * * *

The Chancellor of the Exchequer then moved, "that Mr. Thomas Eyre Lee, " for the said offence, be called to the bar of the house, and reprimanded by Mr. " Speaker." The motion being carried, Mr. Lee was accordingly called to the bar, and informed by the Speaker of the view which the house had taken of his conduct, and then discharged. The reprimand was conveyed in the following terms :—

" Thomas Eyre Lee,

The house, after lengthened and mature consideration of the case in which you are involved, and having given every attention to the petition which you have presented, have come to the conclusion that the offence which you committed is of a grave and serious nature, as affecting the dignity and character of this house, and of the most dangerous consequences to the property of individuals who may be concerned in the passing of Private Bills. It has been proved to the conviction of the house, that the subscription list which you deposited was false and fictitious in itself : and that you, though warned as to the suspicious character of the said list, did nevertheless, as agent for the bill, attest its truth without due enquiry into the circumstances to which your attention has been specially directed ; and, however severe a censure it must be to every honourable mind to receive such a reprimand from the house, this house, in justice to the parties concerned in the case to which their attention has been particularly directed, as well as with a view to prevent the recurrence of any fraud of a similar nature, and to give security to those whose interests may be concerned in Private Bills, and further to vindicate the honour and dignity of the house, do direct that you be reprimanded for this offence. I have, in obedience to the command of the house, communicated this reprimand to you, and I have now to acquaint you that you are discharged."

(C.)

[*Charity Commissioners' Report, No. 20, page 757.*]

The sum of £204. 15s. 6d. received by Mr. Whateley in 1821, as stated in the foregoing account, was, as he informs us, so received by him, not as secretary to the Governors, but as the solicitor of the last surviving trustee, Mr. Male, who had employed him to enforce the payment of the arrears of rent, and to get the charity affairs placed in such a state, that he might lay the accounts before the Governors, who had called for them preparatory to a new appointment of trustees. This money has remained in Mr. Whateley's hands to the present time without profit to the charity, and for its having so remained he assigns two reasons ; first, because there were no trustees to whom it could be paid ; and secondly, because it was paid to him by the tenant Jenkins without prejudice to a claim for an allowance of property tax. He further states, that he had no communication with the Governors on the subject ; and that the completion of the business was delayed by the illness and subsequent death both of the tenant and the surviving trustee.

We have thought it due to Mr. Whateley to state the explanation which he has given to us of the circumstances under which this money has remained in his hands. Upon the reasons which he has assigned for it, we must however observe,—first, that on reference to the foundation deed, he would have seen, that it was to the Governors of the Grammar School, and not to the Trustees, that this money, being surplus, ought to have been paid ; and, secondly, that the pendency of a claim for property tax, to a small amount, affords no justification for his having kept the whole of the money in his hands, without profit to the charity.

We must also express our regret that Mr. Whateley, in his frequent intercourse with the Governors as their secretary, should not have mentioned this payment. If he was not aware that the money ought to have been paid to them, still he was not ignorant that they had the power of appointing trustees, and he ought to have apprized them of the necessity of making such an appointment,

in order that the money which he had received might be applied according to the trusts, and that the charity might thus be restored to some degree of activity.

Our opinion upon this matter has been intimated to Mr. Whateley, and he has expressed his willingness to pay interest upon the money so retained in his hands, at whatever rate may be thought equitable. It seems to us that the justice of the case would be satisfied by a payment of four per cent. from the period of Mr. Male's decease, when he may be considered as having become personally responsible to the Governors.

Mr. Whateley informs us that a new appointment of trustees by the Governors of the Grammar School is in progress ; and that it is the intention of the Governors to invest the surplus which has accumulated, for a permanent augmentation of the charity.

(D.)

On descanting to the Head Master on the insufficiency of the stipends of the under masters, £160. per annum, and the very ample salaries of other officers,—the Under Master in question instanced the Secretary's salary, (in addition to highly lucrative employment as Solicitor to the School,) £250. per annum, for monthly attendance at the board, keeping the minutes, conducting the correspondence, registering the boys, and receiving the rents ; the Head Master asked "how many *curates*, think you, in England, have so much as £160. a year?" upon which the Under Master rejoined, "oh ! if that is the scale, how many "*rectors* in England, think you, have three thousand?"—(the amount of the Head Master's yearly receipts—*nineteen times* that of the Under Master's stipend)—*the Head Master was struck speechless.*

(E.)

Three subscribers to the General Hospital, whose united subscriptions amount to about *six pounds* per annum, recommended out-patients last year to the number of nearly 3200. The average cost to the Hospital of an out-patient, is half-a-crown ; these three philanthropic individuals thus imposed upon the charity a charge of almost FOUR HUNDRED POUNDS.

(F.)

Throughout the Church Universal it has ever been held that the vow of dedication to the Priesthood is irrevocable, and the obligation perpetual. In the Church of England, of which the *Reverend Peyton Blakiston* is an ordained Priest, desertion is visited with the extremest penalty that the Courts Christian can inflict :—witness the 76th. Canon, which has the suffrage alike of the Anglican, Roman and Greek Churches :—

" LXXVI.—*Ministris a vocatione sua resilire interdictum.*

" Nullus in diaconi aut presbyteri ordinem semel admissus, quovis deinceps tempore ab eodem volens recedet, nec in vitæ suæ instituto pro laico se geret, sub poena excommunicationis ; eorumque omnium nomina, si qui vocationem suam taliter abjicient, per oeconomos parochiarum, in quibus habitant, ad episcopum dioecesanum, vel loci ordinarium episcopali jurisdictione præditum deferentur."—CONCILIA MAGNAE BRITANNIAE ET HIBERNIAE. *Wilkins*, vol. IV. Edit. 1737, p. 393.

CONSTITUTIONS AND CANONS ECCLESIASTICAL OF THE CHURCH OF ENGLAND, agreed upon and duly authorised, in the Reign of King James the First, A.D. 1603.

" LXXVI.—*Ministers at no time to forsake their calling.*

" No man being admitted a Deacon or Minister shall from thenceforth voluntarily relinquish the same, nor afterwards use himself in the course of his life as a layman, upon pain of excommunication. And the names of all such men, so forsaking their calling, the Churchwardens of the Parish where they dwell shall present to the Bishop of the diocese, or to the Ordinary of the place, having episcopal jurisdiction."

